Minutes of a Regular Session of the Common Council of the Town of Clarkdale Held on Tuesday, May 8, 2018

A Regular Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, April 10, 2018, at 6:00 P.M. in the Men's Lounge of Clark Memorial Clubhouse, 19 N. Ninth Street, Clarkdale, Arizona.

CALL TO ORDER - Meeting was called to order at 6:00 P.M. by Mayor Von Gausig.

Town Council:

Mayor Doug Von Gausig Vice Mayor Richard Dehnert Councilmember Scott Buckley

Councilmember Bill Regner Councilmember Ben Kramer

Design Review Board Members

Mike Garvey Robyn Prud'homme-Bauer Bill Snyder Laura Jones

Town Staff:

Town Manager Gayle Mabery
Community Development/Economic Director Jodie Filardo
Planning Manager Beth Escobar
Project Manager Mike Gray
Utilities/Public Works Director Maher Hazine and Wayne Debrosky
Police Chief Randy Taylor
Volunteer Janice Benatz
Town Clerk Mary Ellen Dunn

PUBLIC COMMENT – The Town Council invites the public to provide comments at this time. Members of the Council may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. §38-431.01(G), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. Persons interested in making a comment on a specific agenda item are asked to complete a brief form and submit it to the Town Clerk during the meeting. Each speaker is asked to limit their comments to five minutes.

There was no public comment.

REPORTS

Current Events – A brief summary of current events. The Council will not propose, discuss, deliberate or take legal action on any matter in the summary.

Mayor Von Gausig's Report -

- 04/18/18 Attended Clarkdale Volunteer Appreciation event;
 - Met with Verde Valley Justice Lundy to discuss Clarkdale Magistrate position and tour proposed facility
- 05/03/18 On river and checked pond UV filter for cleanliness and function;
 - o Attended Yavapai County Mayors and Managers meeting
- 05/04/18 Attended meeting with Freeport regarding United Verde Soil Program update

<u>Vice-Mayor Dehnert's Report</u> –

- 04/12/18 Met with 3 former Board of Director members of Verde Valley Medical Center (VVMC), Camp Verde Mayor Charlie German regarding engaging Verde Valley elected officials to help with supporting continued services and expansion at VVMC
- 4/18/18 Met with Mayor German to plan for executive group meeting at VVMC;
 - o Met with Judge Lundy regarding agreement and new court facilities;
 - o Attended Volunteer Appreciation event
- 04/24/18 Met with VVMC Chief Administrative Officer Carol Pete and Northern Arizona
 Health Care (NAHC) CEO Flo Spyro, Dan Stuckey (Vice President of Support Services for
 NAHC), Trista McVitty (Marketing and Communications Director for NAHC), and Camp Verde
 Mayor German regarding expansion
- 04/25/18 Went to Page for NACOG Regional Council meeting the next day
- 04/26/18 Attended NACOG Regional Council meeting

Councilmember Regner's Report –

- 04/11/18 Attended Local First Arizona Mixer
- 04/13/18 Attended Flinn Brown Academy
- 04/14/18 Attended Flinn Brown
- 04/16/18 Attended Clarkdale Bank Robbery Reenactment Rehearsal
- 04/18/18 Attended Environmental Education Center Board meeting;
 - o Attended Clarkdale Bank Robbery Rehearsal
- 04/20/18 Attended Flinn Brown
- 04/21/18 Attended Flinn Brown
- 04/23/18 Attended Verde Valley Big Brothers/Big Sisters event
- 05/02/18 Attended Cast party for Clarkdale Bank Robbery
- 05/04/18 Attended Flinn Brown
- 05/05/18 Attended Flinn Brown

Councilmember Buckley's Report –

- 04/13 and 14/18 Coached Clarkdale-Jerome School baseball team and hosted tournament
- 04/26/18 Stopped by Town Auditorium for movie shown during teacher walk out
- 05/02/18 Attended Downtown Business Alliance meeting
- 05/05/18 Competed in Great Sedona Chili Cook-off and won \$250 which he is donating to the

A/R Reading Program at Clarkdale-Jerome School

Councilmember Kramer's Report -

- 04/18/18 Gave presentation at Clarkdale Jerome School to leadership group regarding the role of council and serving on the local council;
 - o Attended the Volunteer Appreciation Event
- 04/21/18 Attended the Home Tour and Clarkdale Bank Robbery reenactment

Town Manager Mabery's Report -

Reminders:

- Verde Valley Wine Festival this Saturday in the Clubhouse
- Concert season kicks off with the first two concerts at the Clubhouse in the newly fenced View Deck
 - o May 19th Aces and Eights
 - o June 9th Sentimental Journey
- June 23 Grand Re-opening of Clarkdale Park an extended celebration from 6-7 p.m. and Cattywampus concert from 7-9 p.m.
- New slab for gazebo plaza being poured on Friday; new trees planted tomorrow; new irrigation system; new electrical conduit;
- United Verde Soil Program started moving in to residential areas. Will soon start in Mountain Gate.
- Wayne Debrosky this is his last regular council meeting! Impending retirement date of May 31st after 10 years service.
- Introduction of new Utilities/Public Works Director Maher Hazine.

Organizational Reports – Reports regarding regional organizations.

CAT- Cottonwood Area Transit (Councilmember Buckley) -

No meeting

<u>VVTPO</u> - Verde Valley Transportation Planning Organization & other transportation affiliations. (Councilmember Regner) –

No meeting

NACOG - Northern Arizona Council of Governments. (Vice Mayor Dehnert)

- 04/26/18 Page meeting began with tour of Antelope Canyon followed by evening reception the day before the meeting. *Reports* –
- NACOG's ADOT Representative, Jason James: ADOT plans to widen I-17 from Anthem to Sunset Point \$15 million allocated for design in 2019 and \$178 million for construction in FY

21 and 22.

- Reminder of upcoming 2020 census
- <u>Legislative update</u> consensus among staff is that federal funding is in better shape than expected as far as many of the NACOG programs. Not likely to see any funding this year for infrastructure. At state level there was discussion about vehicle registration surcharge which was to planned to help fund DPS. <u>CDBG</u> Isabel Rollins reported that federal budget cut was 10%.
- Area Agency on Aging Mary Beals Luka expects 10% increase in funding in coming fiscal year.
- <u>Headstart</u> experienced a \$610 million increase in federal budget. Could result in more full day services.
- <u>Economic Development Committee</u> Terri Drew reported the White House is looking to rescind many increases in budget. She also said that because it is so hard to find employees for some of the jobs in Yavapai County, they will have Job Fair in Phoenix for jobs in Yavapai County.;

Observations and facts obtained while visiting Page:

City of Page has a population of 7,599 people (2016 figure). Because of their location by Lake Powell they have 3000 rooms for rent every night. They have a 15% lodging tax. In 2017, their lodging tax sales revenue was \$4,300,333. Their total sales tax revenue was \$12,221,734. Sales tax rate is 3%. Their revenue is growing at a rate of 12% per year and that's a five year average.

They are also faced with prospect of the Navajo Generating Station closing in 2019. The total annual economic contribution of the Navajo Generating Station to the City of Page is estimated at \$51 million. Payroll, operations and maintenance are the direct expenditures which effect Page are roughly \$34 million. Approximately 147 additional jobs are created in Page due to the economic activities of the Station. Those jobs are over and above the 266 Generating Station employees who live in Page. The ripple effects generated by the economic contribution of NGS impacts industries throughout the City. Most impacted are restaurants, real estate and the hospital. NGS paid approximately \$2.7 million in property taxes to the Page Unified School District. That will be reduced to zero. The state equalization process will help make up for some of that funding but the School District will still end up about \$700,000 per year in the hole when the NGS closes. Additional state and local taxes generated through NGS economic activity are approximately \$1.7 million. Of this amount \$611,000 are local taxes directly affecting the City of Page. The hospital is a district and they anticipate losing approximately \$2 million from their budget when NGS is no longer paying property taxes to their district.

Vice Mayor stated this brought to mind our discussions about sustainability and the importance of having foresight.

NACOG Regional Council meeting will be held in Clarkdale on August 30th.

NAMWUA - Northern Arizona Municipal Water Users Association. (Councilmember Kramer)

No report

CONSENT AGENDA - The consent agenda portion of the agenda is a means of expediting routine matters that must be acted on by the Council. All items are approved with one motion. Any items may

be removed for discussion at the request of any Council Member.

- **A.** Approval of Minutes of the Common Council Approval of the minutes of the Regular Meeting held April 10, 2018 and Special Meetings April 23 and 24, 2018.
- **B.** Claims List of specific expenditures made by the Town during the previous month. April, 2018 check log and PPE dated March 31, 2018, April 12, 14, and 17, 2018.
- C. Board and Commission Minutes Acknowledgement of receipt of minutes and draft minutes of the previous month's Board and Commission Meetings. Board of Adjustments minutes of the meeting held April 25, 2018 Design Review Board minutes of the meeting held April 4, 2018 Planning Commission minutes of the meeting held April 17, 2018 Parks and Recreation Commission minutes of the meeting held April 11, 2018
- **D.** Resolution Making Appointments to the Municipal Property Corporation Approval of Resolution # 1566, amending Resolution # 1544 making appointments to the Municipal Property Corporation.

Action: Approve Consent Agenda items A – D as presented.

Motion: Councilmember Buckley Second: Councilmember Kramer Vote: Passed Unanimously.

NEW BUSINESS

Mayor Von Gausig re-ordered the agenda to accommodate Judge Lundy who was in attendance and associated with two agenda items.

INTERGOVERNMENTAL AGREEMENT FOR CO-LOCATION OF COURT OPERATIONS – Consideration of approval of an Intergovernmental Agreement between the Town of Clarkdale and Yavapai County for the Co-Location of the Clarkdale Magistrate Court with the Verde Valley Justice Court.

The Clarkdale Town Council has been discussing the advantages of some type of shared court services for the past 10 years. In fact, for Judge Ramsey's entire 10-year tenure with the Town, there has been a provision in his contract allowing for termination of the contract if the Town moves forward with a consolidation of court services during the term of the contract.

Most recently, during the Clarkdale Town Council's 2017 Strategic Planning session, the Council discussed their interest of pursuing some type of shared court services with either the City of Cottonwood or the Verde Valley Justice Court. During the March 27, 2018 Council meeting, after considering several options for the Magistrate Court, the Town Council directed the Town Manager to pursue the co-location of the Clarkdale Magistrate Court with the Verde Valley Justice Court and pursue a contract with Verde Valley Justice of the Peace Bill Lundy to serve as the Clarkdale Magistrate. The

Verde Valley Justice Court is located at 10 South 6th Street in Cottonwood, and is 3.6 miles from the current Clarkdale Magistrate Court location.

The proposed agreement provides for on-going rent and any necessary one-time facility remodeling fees (for the remodeling that would be required in order for the Clarkdale Magistrate Court to be housed at this location). Rent is based on the comparison of case volume between the two courts. Clarkdale's current case volume is approximately 10% of the volume of the Verde Valley Justice Court.

The Clarkdale Magistrate Court will retain its legal identity, and would simply be co-located and operate out of a shared facility. Customers will interact with Clarkdale Magistrate Court staff from a shared lobby, which would have separate customer service windows for both the Clarkdale Magistrate Court and the Verde Valley Justice Court. Clarkdale Magistrate Court employees remain employees of the Town of Clarkdale, and Judge Lundy will work with our Human Resources Manager on any human resource issues involving our employees.

The facility remodeling costs involved with this option include a payment of \$18,758 to remodel space at the Justice Court to accommodate Clarkdale Magistrate Court staff. While Clarkdale could choose to pay the entire \$18,758 at the outset of the agreement, there is also a provision allowing us to spread those costs over three fiscal years. If Clarkdale terminates the agreement prior to paying the \$18,758, the entire remaining balance is due in full at the time of termination. The on-going annual rent for the space will be \$6,283 per year, and increases thereafter are tied to the annual Bureau of Economic Analysis Implicit Price Deflators for Gross Domestic Product (and could not exceed 5% per year).

The Agreement also provides for the Town to reimburse the County for 10% of the costs of Pro-Tem services during the term of the contract. This provision was added to ensure that the Town is covering the cost of Pro-Tem services that are utilized during the absence of the Town Magistrate for illness, vacation, travel/training, etc.

The term for the contract is 5 years, beginning July 1, 2018 and expiring June 30, 2023, and the agreement may be renewed for an additional 5 year period. Both parties have the right to terminate the Agreement with 90 days notice.

With approval of the Agreement, our goal is to move our Court during the week of June 25 - 29, and reopen to the public on Monday, July 2^{nd} at the new location. Please be advised though, that those dates may vary due to remodeling and other schedules.

The Yavapai County Board of Supervisors unanimously approved this Intergovernmental Agreement at their May 2, 2018 Board Meeting.

Town Manager Mabery presented information on this agenda item. Yavapai County has previously approved this item on May 2nd. Appreciation was expressed by the Council for the County's accommodations and assistance to the Town of Clarkdale. Council agreed the Town Manager did a great job on putting together the project, prices are fair, process was quick and efficient, and County has been very accommodating to the Town.

Action: Approval of the Intergovernmental Agreement between the Town of Clarkdale and Yavapai County for the Co-Location of the Clarkdale Magistrate Court with the Verde Valley Justice Court.

Motion: Vice Mayor Dehnert
Second: Councilmember Regner

Vote: Passed unanimously.

AGREEMENT FOR MAGISTRATE SERVICES – Consideration of an Agreement Appointing William Lundy as the Magistrate of the Clarkdale Magistrate Court.

Current Clarkdale Magistrate Ron Ramsey's term expires on May 31, 2018. During the March 27, 2018 Council meeting, the Town Council directed the Town Manager to pursue the co-location of the Clarkdale Magistrate Court with the Verde Valley Justice Court and pursue a contract with Verde Valley Justice of the Peace Bill Lundy to serve as the Clarkdale Magistrate.

Mayor Von Gausig and Vice Mayor Dehnert met with Judge Lundy on April 18, 2018 to discuss the terms of the Agreement that is being presented to the Council for consideration.

Under the Clarkdale Town Code, the term for a Magistrate in Clarkdale is 2 years, and thus this Agreement is for the period from June 1, 2018 – May 31, 2020. Any additional terms thereafter would require the approval of both the Town Council and Judge Lundy. The annual compensation is \$24,000, and includes a provision where the Town agrees to increase the annual compensation at the same rate and effective date as any cost-of-living increase provided for Town employees after January 1, 2019 and during the term of this Agreement.

Section 3-1-1 of the Clarkdale Town Code states that the Magistrate may only be removed from office for cause. The Agreement further clarifies cause by providing that the Town may terminate the agreement should Judge Lundy violate the terms of the Agreement. Further, the agreement may be terminated with 90 days notice by Judge Lundy, or if either of the following circumstances occur:

- i. The Intergovernmental Agreement between the Town of Clarkdale and Yavapai County for the Co-Location of the Clarkdale Magistrate Court with the Verde Valley Justice Court has expired or is terminated.
- ii. The Town enters into an Intergovernmental Agreement with another jurisdiction to consolidate or co-locate Court operations.

As Judge Lundy's term of office under this Agreement would begin prior to the co-location of the Clarkdale Magistrate Court with the Verde Valley Justice, Judge Lundy will convene court business in the Clarkdale location until the Magistrate Court moves to Cottonwood.

With approval of the Agreement, our goal is to move our Court during the week of June 25 - 29, and reopen to the public on Monday, July 2^{nd} at the new location. Please be advised though, that those dates may vary due to remodeling and other schedules.

Judge Lundy has expressed his satisfaction with the terms of this Agreement, and plans to attend the Council meeting to address any questions that the Council may have.

Town Manager Mabery discussed this agenda item with the Council and pointed out that this contract was between the Town of Clarkdale with the Council contracting directly with Mr. Lundy to serve as the Magistrate for the Town of Clarkdale. The Town Attorney indicated that the stated term of the office is two years and cannot be changed, however can be renewed. The compensation for the contract is \$24,000 per year with a cost of living increase for all Town employees that would be effective after January 1, 2019.

Judge Lundy addressed the Council. Thanked Town Manager Mabery, Town Council, Randy Garrison, Yavapai County Board of Supervisors, and building crew that will put the court together. Feels this move will be beneficial for both courts.

Action: Approval of the Agreement for Clarkdale Magistrate services between the Town of

Clarkdale and William Lundy.

Motion: Councilmember Regner
Second: Councilmember Buckley

Vote: Passed unanimously.

A JOINT WORKSESSION WITH THE TOWN COUNCIL AND THE DESIGN REVIEW BOARD – Discussion/possible action in a Joint Worksession for the purpose of Council and Board to confer on issues of mutual concern regarding the functions of the Design Review Board.

Chair Laura Jones called the meeting to order at 6:40 p.m. and introduced the Board members.

Per Chapter 17-4-1 of the Town Code:

The Design Review Board shall serve at the appointment of the Town Council. The purpose of the Design Review Board is to review the landscaping and exterior design of proposed new buildings, commercial signage, proposed alterations to buildings, excluding single family residences, and major development or redevelopment projects to assure that they are compatible with the surrounding environment and to preserve and protect the integrity and character of the Town. The Design Review Board also reviews applications under the Town's Zoning Code—Design Review and Site Plan Review. The Design Review Board has the power to approve, conditionally approve, or deny requests.

Summary of recent activity:

In 2016 the Board reviewed four projects, including Zima Auto Sales, reJuice at Nate's Cowboy Café, Swords & Sabers Paint Ball and outdoor improvements for AZ Copper Museum along with several new and revised commercial and subdivision signs.

In 2017 and 2018 the Board has reviewed a site plan and sign package application for Copper Mountain Storage and a new sign for El Toreo Restaurant.

Possible upcoming applications include a possible additional RV Resort, park development in Crossroads at Mingus and some multi-family development.

Art in Public Places

During their April meeting, the Design Review Board began discussing development of a process for Arts in Public Places and the potential involvement of the Board with these types of projects. Discussion regarding this item will be ongoing over the next several scheduled meetings.

Sustainable Multi-family Guidelines

In preparation for possible future review of multi-family projects, the Design Review Board has begun discussing development guidelines specific to these types of projects.

The topic of sustainability appears repeatedly in the Town's Mission, Guiding Principles and the Sustainable Community & Economic Development Plan. The three page document titled "Town of Clarkdale Sustainability Values" (attached) was adopted in 2013 by Council.

At the December 2, 2017 Design Review Board meeting, the Community Development Department was asked by the Board to research and propose sustainable guidelines for multi-family development. The Board continued to discuss possible guidelines at their March and April meetings.

Chair Jones stated that they had a light agenda this year. She also stated that citizens are prepared by the time they come before the Board because the Town staff is so available to help them up front. Prud'homme-Bauer noted that recommendations they make are directed towards successful business operations.

Jones indicated that DRB is working on a process that would allow them to review Art in Public Places applications, however it is in preliminary stages and Town Manager Mabery stated it was not ready to present to Council.

Discussion followed about the development of sustainable guidelines that would be used for recommendations for multi-family developments. Economic/Community Development Director Jodie Filardo noted that because residential zones are not required to follow a site plan process, the DRB would appreciate the Council input on the types of things they would be able to present to multi-family projects that would reflect the Town's values and vision.

Action: The Council generally agreed the Board should continue to work on the draft sustainable development guidelines for multi-family projects to bring back to Council for review.

Chair Laura Jones adjourned the meeting at 7:06 p.m. without objection.

VERDE VALLEY REGIONAL ECONOMIC ORGANIZATION STRATEGIC PLAN OVERVIEW – Discussion/possible action regarding future direction of the Verde Valley Regional Economic Organization.

Over the course of the last year, the Verde Valley Regional Economic Organization (VVREO), a private-public organization focused on economic development has created a regional approach to economic development with input from an array of sources and stakeholders. The creation of this plan was funded in part by APS, VVREO and Yavapai County, and was prepared by Judie Scalise, President, ESI. On April 6, 2018, the first draft of this plan was released in a public meeting for comment.

The purpose of this work session item is to present the plan and then to collect feedback from the Town Council on the overall direction of the plan. This feedback will be collected and added into the final version of the strategic plan to be released following the completion of all Council presentations.

Economic/Community Development Director Jodie Filardo presented information to Council on this agenda item. She introduced some of the members of VVREO who were present in the audience and gave a Power Point presentation on the topic which has been included as a part of the permanent record.

Mayor Von Gausig encouraged the group to consider the threat to the Verde River as one of the primary considerations. Vice Mayor Dehnert stated that a missing factor in the SWOT portion of the presentation under strengths is health care and under the category of threats he noted that there are people in our community who feel that Verde Valley Medical Center is threatened by a Board of Directors that value Flagstaff more than the Verde Valley. He added that the health care industry is a major economic factor and should be a major connection with VVREO. Filardo said that they have been looking for someone from VVMC to sit on the VVREO board. Councilmember Regner asked who is on the Board of VVREO, how are they selected and what they represent in the Verde Valley. Historically there have been philosophical changes about who sits on the board. Filardo stated that VVREO made a conscious choice to be a private public board funded by money coming from each of the municipalities and Yavapai County. Their current format is they have annual seats that have one for each economic developer that is working for economic development for a public institution. The current members from that sector include Steve Ayres, Casey Rooney, Filardo herself, Molly Spangler, and Buddy Rocha, Jr. They also have Richard Hernandez, Executive Director for Yavapai College Rural Economic Development Center. They have a rotating nominating committee nominated by the chair of the organization and made up of about 5 members.

VVREO Chair Ray Selna addressed the council. Explained some of the qualifications and diversity in business and government of their members. He stated that water is an extremely important part of their focus and also agrees with the importance of health care industry. They are grateful for input. Today they extended an invitation to Supervisor Garrison to be on the site council and they believe he will accept.

Action: This was a discussion item only which included recommendations noted above from Council.

REVISED REIMBURSEMENT AGREEMENT FOR THE UNITED VERDE SOIL PROGRAM (UVSP) – Discussion/possible action regarding the revised Reimbursement Agreement for the United Verde Soil Program (UVSP).

On November 7, 2016, Freeport Minerals Corporation (FMC) and the Town of Clarkdale entered into an Agreement to reimburse certain expenses related to the UVSP. Following experience with the actual project, both parties seek to replace the initial agreement with an updated one.

This new Agreement addresses the following topics:

- I. Payment of Town Grading Permit Fees including grading permit fees, grading plan check fees, right-of-way permit fees and inspection fees;
- II. Reimbursement for Certain Outside Expenses including those for reasonable and necessary third-party consultant expenses to assist with reviewing, processing, inspecting or administering permits required by Town Code; plus
- III. Other routine paragraphs including Term and Termination, Dispute Resolution, and Miscellaneous Terms.

This Agreement provides for establishment of a Deposit of \$20,000 from FMC to be decremented in processing Grading Permit Fees, and the stipulation of an accounting process for use in tracking these Fees. The Agreement also outlines a process by which the balance of the Deposit will be maintained.

Also included in the replacement Agreement is language about the Reimbursement for Third-Party Expenses to Review UVSP Work Plans and Completion Report. This reimbursement has already been processed under the previous Agreement.

Economic/Community Development Director Filardo presented information on this agenda item to council.

Action: Approval of the Revised Reimbursement Agreement for the United Verde Soil Program.

Motion: Vice Mayor Dehnert
Second: Councilmember Regner
Vote: Passed unanimously.

FUTURE AGENDA ITEMS - Listing of items to be placed on a future council agenda.

• Vice Mayor Dehnert would like to schedule a discussion on whether or not they continue to need a Board of Adjustment.

ADJOURNMENT – Without objection, Mayor Von Gausig adjourned the meeting at 7:56 P.M.

APPROVED:

ATTESTED/SUBMITTED:

Doug Von Gausig, Mayor

Mary Ellen Dunn, Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Town Council of the Town of Clarkdale, Arizona held on the 8th day of May, 2018. I further certify that meeting was duly called and held and that a quorum was present.

Dated this 12th day of June, 2018. SEAL

Mary Ellen Dunn, Town Clerk